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EXTRAORDINARY

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No. 281] NEW DELHI, FRIDAY, MAY 31, 1957/JYAISTHA 10, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 23rd May 1957

S.R.O. 1839.—In pursuance of the provisions of sub-section (1) of section 83 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 476 of 1957, presented to the Commission on the 9th May, 1957 under section 81 of the said Act, by Shri Niranjan Singh Dev, son of Thakur Ratan Singh, resident of village Nir, District Hardoi, calling in question the election to the House of the People from the Hardoi constituency of that House of Shri Chedalal, resident of Whitegunj, Hardoi.

Presented to me by Shri Mohan Lal Verma who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the ninth day of May, one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL, 9-5-57,

Under Secretary,

Election Commission, India.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 476 of 1957

Relating to the Election held on 25th and 28th February, 1957 and 3rd, 9th and 12th March and 14th March, 1957 to the House of People (Constituency No. 363), Double Member Constituency, Hardoi.

(Sd.) MOHAN LAL VERMA.

Attested.

(Sd.) DIN DAYAL, 9-5-57

Niranjan Singh Dev aged 60 years, son of Thakur Ratan Singh, resident of Village Nir, District Hardoi—*Petitioner.*

Versus

1. Sri Chedalal, resident of Whitegunj, Hardoi.
2. Sheo Din, resident of village and Post Office Gopamau Tehsil and District Hardoi.

3. Shri Kinderlal, resident of Mohalla Idrisgunj, District Hardol.
4. Sirish Chandra Agarwal, resident of Whitegunj, District Hardol—
Respondents.

The humble petition of Sri Nirajan Singh Dev most respectfully sheweth:—

1. That your petitioner was a nominated candidate at the election mentioned above and is entitled to present this petition to question the election of respondent No. 1, the declaration of whose election was made on 25th March, 1957. It is a double member constituency out of which one is reserved for a Scheduled Caste. Sheo Din, respondent No. 2 was also elected as having secured the largest numbers of votes among the Scheduled Caste Candidates. The declaration of his result was also made simultaneously along with that of respondent No. 1.

2. That the other respondents were also candidates at the said election Sri Sirish Chandra Agrawala withdrew from the contest.

3. That the petitioner was a candidate set up by Jansangh Party. Respondent No. 2 (Sheo Din), was a candidate of the Jansangh Party (Scheduled Caste Candidate), respondent No. 3 was also a Congress Scheduled Caste Candidate.

4. That the counting of votes took place between 20th March, 1957 and 25th March, 1957, and the following result was declared:—

Names	Votes polled
1. Sri Cheda Lal (Congress) Respondent No. 1—	2,35,231
2. Sri Niranjana Singh Dev (Jansangh) Petitioner—	2,31,763
3. Sri Sheo Din (Jansangh Scheduled Caste) Respondent No. 2—	1,91,730
4. Sri Kinderlal (Congress Scheduled Caste) Respondent No. 3—	1,89,232

Votes rejected 43,413

5. That as stated above, it is a double member constituency—Chedalal, respondent No. 1 (Congress) and Sri Sheo Din (Jansangh) Scheduled Caste respondent No. 2 were declared elected on 25th March, 1957. That the respondents Nos. 1 and 3 were set up by the Congress Party. Their election propaganda during the election was joint. There were also a number of candidates set up by Congress Party to the Uttar Pradesh Legislative Assembly. The constituencies six in number numbers 333, 334, 336, 337 338 and 349 composed the parliamentary constituency No. 363. All these congress candidates carried on propaganda and worked jointly for the benefit of one another.

6. That your petitioner submits that the election of the respondent No. 1 Sri Chedalal is void and is liable to be set aside on the following grounds:—

- (A) That the respondent No. 1 Sri Chedalal was a sitting Congress M.L.A. He is also the President of the District Congress Committee, Hardol. He wields great influence. He obtained the help of persons serving under the State of Uttar Pradesh for the furtherance of the prospects of his election. Sri Chedalal with the help of certain influential officials, who in abuse of their official position, interfered with the free exercise of the electoral right of a large number of voters.

Babu Ram Gupta is a Panchayat Inspector, Kachauna Circle, Tehsil Sandila, District Hardol. He influenced a large number of Pradhans of various panchayats to work and to vote for the Congress candidates i.e. respondent Nos. 1 and 3 and asked them to influence the voters to vote for them. He himself, and the Pradhans of several Gram Sabhas went to several places and threatened the voters to vote for the Congress candidates. He organised several meetings of the Pradhans for this purpose. He made free use of the pick-up of the Cooperative Sandila Handloom Society. Thus, he and the

Pradhans and his other subordinates interfered with the free exercise of the electoral right of a large number of voters. Further details of this corrupt practice are given in Schedules 'A' and 'B' annexed with this petition.

- (B) The above mentioned Babu Ram Gupta somehow or other managed to be the Presiding Officer of Polling Station Magrapur which is in the neighbourhood of his residential village. As Presiding Officer he misused his official position and influenced a number of voters to vote for the congress candidates, respondent Nos. 1 and 3. Further details of this corrupt practice are mentioned in Schedule 'C' attached to this petition.
- (C) That the respondent Nos. 1 and 3 and their agents and workers hired and also procured a number of vehicles for the conveyance of the electors to and from the polling stations on the polling days. Further details of this corrupt practice are entered in Schedule 'D'.
- (D) That respondent No. 1 obtained and procured and attempted to obtain the help of persons serving under the State of Uttar Pradesh for the furtherance of the prospects of his election. Details of this corrupt practice are entered in Schedule 'E'.

7. That your petitioner submits that but for the votes obtained by respondent No. 1 by corrupt practice your petitioner would have obtained the majority of valid votes.

8. That both Sri Chedalal, respondent No. 1 and Sri Kinderlal, respondent No. 3 have incurred disqualifications.

9. That your petitioner has deposited as security the sum of Rs. 1,000 the receipt of which is hereby enclosed.

Wherefore, your petitioner humbly prays that the election of respondent No. 1 be declared, void and that your petitioner be declared to have been duly elected and further Sri Chedalal, respondent No. 1 and Sri Kinderlal, respondent No. 3 be disqualified and the costs of the petition be also allowed to the petitioner.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

DARULSHAFI, LUCKNOW,

The 8th May, 1957.

Verification

I, Niranjana Singh Dev, the above-named petitioner do hereby verify that the contents of paras 1 to 5 and 9 are verified to be true on personal knowledge and the contents of paras 6(A), 6(B), 6(C), 6(D), 7 and 8 are verified on information received and believed to be true.

Verified this 8th day of May, 1957, at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

SCHEDULE 'A'

The names of the persons who organised Pradhan's meetings for the purpose of influencing Pradhans to work for respondent Nos. 1 and 3.	Date	Place
Babu Ram Gupta organised these meetings. These meetings were arranged with the consent of respondent No. 1 and were also attended by him. Nawab Aizaz Rasool, one of the chief workers of respondent No. 1, who was	8-8-56	Asahi Azampur Kachona
	8-8-56	

himself a Congress candidate, also attended these 8-8-56 Hasnapur meetings. In these meetings of the Pradhans, Babu Ram Gupta asked the Pradhans to any how influence the voters to vote for respondent Nos. 1 and 3. The Pradhans were of the following Gram Sabhas :—

1. Patseni
2. Kachhona
3. Balamau
4. Kalauli
5. Hathoura
6. Tikari
7. Barwa Sarsand
8. Samspur
9. Kursath
10. Asahi Azampur
11. Hasnapur
12. Barauli
13. Bansa
14. Ghausgunj
15. Behsar
16. Sarohri
17. Bahlolpur
18. Biraui
19. Kasimpur
20. Raison
21. Hiya
22. Lonahara

(Sd.) NIRANJAN SINGH DEV,
Petitioner.

LUCKNOW;

The 8th May, 1957.

Verification

I, Niranjan Singh Dev, the petitioner named above, do hereby verify that the contents of this Schedule are verified on information received and believed to be true.

Verified this 8th day of May, 1957, at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,
Petitioner.

SCHEDULE 'B'

Babu Ram Gupta, Panchyat, Inspector, with the consent and in the knowledge of respondent No. 1 got canvassing done with a view to influence voters through official agency between 29th January, 1957 and 9th March, 1957. He interfered with the electors in the free exercise of their franchise with the direct help of Pradhans of various Gaon Sabhas.

The names of the Gram Sabhas whose Pradhans canvassed and solicited votes

1. Patseni
2. Kachhona
3. Balamau
4. Kalauli
5. Hathoura
6. Tikari
7. Barwa Sarsand
8. Samspur
9. Kursath
10. Asahi Azampur
11. Hasnapur
12. Barauli
13. Bansa
14. Chausgunj
15. Bensar

16. Sarohri
17. Bahlolpur
18. Birauli
19. Kasimpur
20. Raison
21. Hiya
22. Lonahara

LUCKNOW,

The 8th May, 1957.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

Verification

I, Niranjan Singh Dev, the petitioner named above, do hereby verify that the contents of this Schedule are verified on information received and believed to be true.

Verified this 8th day of May, 1957, at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

SCHEDULE 'C'

Babu Ram Gupta was all through canvassing and soliciting votes for respondents Nos. 1 and 3. He was one of the chief workers during the election of respondent Nos. 1 and 3. He organised a number of meetings in the furtherance of the prospects of election of respondent Nos. 1 and 3 as mentioned in Schedules A and B. He did all this with the consent and in the knowledge of respondent No. 1. He was the Presiding Officer at Mangrapur Polling Station on 9th March, 1957. There he adopted all means to help respondent Nos. 1 and 3. He secured and solicited votes for them. He belonged to the same locality and, therefore, he happened to know a large number of voters personally. He is an Inspector of Panchayats of Centre Kachhona. Although the place of his posting is about 45 miles from this Kachhona Polling Station, yet he managed to be the Presiding Officer of a Polling Station, which is in the neighbourhood of his own residential village. By this device he influenced a large number of voters, then and there, and thus he interfered with the free exercise of the electoral right of a number of electors. A complaint was attempted to be lodged with him about his active participation in the election, but he refused to take the same and to keep it on the record. Then during the day the Deputy Superintendent of Police happened to come there, a complaint in writing was then handed over to him against Babu Ram Gupta.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

LUCKNOW,

The 8th May, 1957.

Verification

I, Niranjan Singh Dev, the petitioner named above, do hereby verify that the contents of this Schedule are verified on information received and believed to be true.

Verified this 8th day of May, 1957 at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,

Petitioner.

SCHEDULE 'D'

The names of person who arranged the conveyance	Date	Place
1	2	3
1 Nawab Aizaz Rasoo, a Congress candidate for Assembly who was one of the chief workers of respondent Nos. 1 and 3. He hired all the Rickshaws, Tongas and Ekkas of the Sandila Municipality except the Rickshaw of Ram Autar, with the consent and in the knowledge of respondent Nos. 1 and 3.	25-2-57	Sandila Polling Stations.

- | | | | |
|---|--|--------|--------------------------------------|
| 2 | Sirish Chandra Agrawal, one of the chief workers of respondent Nos. 1 and 3 hired Rickshaws and Tongas. He is also a nephew of respondent No. 1. He did it with the knowledge and consent of respondent No. 1. | 3-3-57 | Hardoi Municipal Polling Stations. |
| 3 | Shri Ram Chandra, one of the chief workers and agent of respondent No. 1 hired two Ekkas. The Ekkawalas are Sabir Ali and Puttu of Shahabad Municipality. Ram Chandra hired these conveyance with the knowledge and consent of respondent No. 1. | 9-3-57 | Shahabad Municipal Polling Stations. |

(Sd.) NIRANJAN SINGH DEV,
Petitioner

LUCKNOW,

The 8th May, 1957.

Verification

I, Niranjan Singh Dev, the petitioner named above, do hereby verify that the contents of this Schedule are verified on information received and believed to be true.

Verified this 8th day of May, 1957 at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,
Petitioner.

SCHEDULE 'E'

(i) Jagdish Prasad is in the staff of the Revenue Collection Department of the District of Hardoi. He was appointed as polling agent by respondent No. 1 in connection with the election for Polling Station Junior High School, Pehani for 9th March, 1957. He worked as his polling agent at the said Polling Station on 9th March, 1957.

(ii) Jagdish Prasad also worked and canvassed and solicited votes for respondent Nos. 1 and 3 in villages Bagidnagar, Karawan Sahlnagar, Arua and Mansoor Nagar between 1st and 9th March, 1957.

(iii) Daya Shankar is a Lekhpai in Tehsil Shahabad District Hardoi. Respondent No. 1 appointed him as his Polling Agent for Polling Station Hans Barauli for 3rd March, 1957. Daya Shankar also worked and solicited votes for respondent Nos. 1 and 3 in villages Budhagaon, Bazidnagar, Gopamau, Jareli during 25th February, 1957 to 9th March, 1957. All this he did in furtherance of the prospects of the election of respondents Nos. 1 and 3 with their knowledge and consent.

(iv) Shanti Swarup is a person serving under the State of Uttar Pradesh. He is the Panchayat Secretary Khesraul Circle now. At the time of election he was the Panchayat Secretary, Pehani Circle. He was also appointed a polling agent by the respondent number 1. He acted as his Polling Agent on 9th March, 1957 at Polling Station Pehani Junior High School at Pehani. He also canvassed and solicited votes for respondent Nos. 1 and 3 with their consent from 25th February 1957 to 9th March, 1957 in his circle.

LUCKNOW,

The 8th May, 1957.

(Sd.) NIRANJAN SINGH DEV,
Petitioner.

Verification

I, Niranjan Singh Dev, the petitioner named above, do hereby verify that the contents of this Schedule are verified on information received and believed to be true.

Verified this 8th day of May, 1957 at Darulshafa, Lucknow.

(Sd.) NIRANJAN SINGH DEV,
Petitioner.

[No. 82/476/57.]

By Order,

DIN DAYAL, Under Secy.